REPUBLIC OF KENYA

NATIONAL MARITIME TRANSPORT POLICY

DRAFT

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TABLE OF CONTENTS

PREFACE

Maritime transport services plays a pivotal role. Over 80% of global trade by volume and more than 70% of its value being carried on board ships and handled by seaports worldwide and more than 90% of Kenya's international trade is by sea. This necessitates economies to develop mechanisms to provide conducive environment for the growth of maritime transport industry and its allied services.

It is important to remind ourselves the constituents of maritime transport in Kenya. The Kenyan maritime transport sector comprises of the following areas; ship yards, shipping companies, ports, interest groups and associations, logistics & transport, port operators and port related industries, public sector, shipping company associated companies, finance & insurance firms and shipyard subcontractors. Some of maritime allied sectors includes; fishing and aquaculture, maritime tourism and hospitality, mariculture, hydrography, deep sea mining, oceanography, offshore energy production, offshore oil and gas production, maritime security and marine bio-prospecting and technology among others.

Due to immense potentials in the in maritime transport sector, the Government of Kenya identified the Blue Economy sector as a key pillar that will contribute to the country's economic growth and in attaining the Big Four Agenda especially the manufacturing. A key component of this effort will include the provision of efficient maritime transport and logistics services that depends on the availability of well trained personnel.

However, full utilization of the potentials have been hindered by some challenges. Heavy capital outlays in the maritime industry has impacted negatively in the country's participation in the maritime industry. Shipping is a specialized and requires materials which are imported. This makes some shipping ventures like ship building and repairs, ship yards be out of reach. Further, the country's low participation in shipping industry is due to lack of a merchant shipping fleet. This manifests in losses in foreign exchange earnings, loss of employment opportunities, tax revenue and capital flight. The overall impact of this is the loss of the country's international trade competitiveness and negative balance of payments. A policy that will address capital investment opportunities in Kenya is therefore important.

To address challenges impeding sustainable utilization maritime resources and growth in the maritime transport services, a coherent and sound national maritime transport policy is an ingredient. The overall policy goal is to create a coherent governance framework and build the requisite capacities for trade facilitation while guiding the development of a safe, secure and environmentally friendly culture in the maritime transport sector for sustainable development.

A national maritime transport policy has been developed at an opportune time when the country is witnessing heavy infrastructural development. The maritime transport sector need to seize the opportunities from the recent infrastructural development in both rail and ports heavy such as, Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET), Construction of the second phase of the New Container Terminal 2 (1.2M TEUs), Dongo Kundu Special Economic zone, Dongo Kundu Distribution-parks, Shimoni Integrated Port Development Project, Lamu Coal Power Station,

Kisumu Waterfront Development Project (a new port off Dunga Beach) and development of a maritime transport network and related infrastructure on Lake Victoria are bound to create a opportunities for both offshore and on-shore maritime transport and allied service providers.

Specifically the policy seeks to achieve the following objectives: Promote trade development and facilitation in maritime transport and allied services; Enhance maritime safety, security and protection of the marine environment; Promote investments in maritime transport and allied services; Develop adequate and competitive human capital; Promote progressive research, innovation and knowledge management; and to promote good governance, integrated planning and coordination.

In order to achieve the goals and the objectives, six (6) key areas have been identified in the Policy. These are: Maritime trade development and facilitation; Maritime Safety; Maritime Security; Maritime Communication; Maritime Education and Labour; Marine Environment; and Coordination and Implementation of IMO Instruments.

This Policy proposes a number of policy interventions whose successful implementation will strive the country to a higher economic path. These include: develop and promote incentives maritime transport industry development; develop a national maritime education and training Policy; Enhance maritime search and rescue services; Develop and implement the National Maritime Security Strategy and the Risk Register; Develop and enforce a framework on marine environment protection; Develop maritime communication and information systems; and develop and enforce maritime labour-force-related framework.

Finally, it is my strong conviction that the successful implementation of this policy will improve the country's competitiveness in international trade, income generation, skills development and contribute greatly towards the realization of the Kenya Vision 2030.

Salim Mvurya, EGH
CABINET SECRETARY

ACKNOWLEDGEMENT

The maritime transport sector is regulated and governed by international, regional and national instruments. This policy has been anchored on existing legal provisions and policies. The Constitution of Kenya provides for the recognition and implementation of international treaties which form part of the Kenyan laws. The international instruments are domesticated to align with the Kenya constitutional environment. Some of the areas of focus include trade development and facilitation, safety, security, communication, maritime education and training, labour and environment.

The implementation of the policy will not only enhance the development of the Blue Economy but also improve the country's competitiveness in the international maritime domain.

The successful implementation of this policy will be contingent on the support from the Ministries, Departments and Agencies (MDAs), key players in the maritime sector, the international partners and other stakeholders. This collaborative approach can be achieved if we continuously align with the enthusiasm and high-level trajectory that the national and international policies have established for the growth of the Blue Economy.

I wish to thank all the stakeholders who have made significant contribution to the formulation and development of this policy including the Inter-Agency Committee that led in its development. It is my hope that focus and a wide spectrum of experiences will ensure successful implementation of the policy for the country's trajectory growth.

Shadrack Mwadime, EBS, MBS
PRINCIPAL SECRETARY

CHAPTER ONE: INTRODUCTION

1.1 Background

Kenya's development agenda is anchored on the Kenya Vision 2030 which aims at creating a globally competitive and prosperous country with a high quality of life for all its citizens. The Vision aspires to transform Kenya into a newly industrializing middle-income country by 2030. In realization of great potentials in the maritime transport sector that can contribute significantly to double digit GDP growth, the Blue Economy sector was included as an eighth sector in the Third Medium Term Plan (MTPIII) 2018-2022. Maritime transport is an integral component of the blue economy.

Maritime transport is the most efficient and cost-effective method of international transportation of goods, facilitating commerce and helping to create employment opportunities and therefore contributing to a country's socio-economic growth. It contributes 80 percent by volume and 70 percent by value of international trade according to UNCTAD. Kenya is one of the players in maritime transport as a Coastal State, with approximately 90% its International Trade being seaborne whose value amounts to more than US$ 3 billion. The Kenyan maritime transport sector comprises, inter alia, the following areas; ship yards, shipping companies, ports, interest groups and associations, logistics & transport, port operators and port related industries, public sector, shipping company associated companies, finance & insurance firms and shipyard subcontractors. Some of maritime allied sectors includes; fishing and aquaculture, maritime tourism and hospitality, mariculture, hydrography, deep sea mining, oceanography, offshore energy production, offshore oil and gas production, maritime security and marine bio-prospecting and technology among others.

The functions of maritime transport services are spread across Ministries, Departments and Agencies (MDAs). This requires coordination and integrated approach in governance to align the objectives of these entities through institutional synergies. The International Maritime Organization (IMO) requires that Members States develop and implement a National Strategy for Implementation of IMO Instruments (III) which provides a framework for effective

implementation of ratified IMO instruments and cooperation of all Ministries, Departments and Agencies while embracing the potentials and mandates of all players in the sector.

Among the priority programme in strengthening policy, institutional and legal frameworks is the development of a national maritime transport policy. Safety, security and protection of marine environment are important for sustainable development of the maritime transport sector. In this respect the government has put measures to ensure safety and security takes root in the country by domesticating Safety of Life at Sea (SOLAS) 74 Convention as amended where Chapter XI - 2 deals with security and also enacting other national laws on safety. The government has recognized the importance of protection of the marine environment from the negative effects of pollution from the maritime transport sector. This has informed the ratification and implementation of various international instruments on protection of the marine environment, but there is a need to develop a robust legal framework on safety, security and marine environment protection activities in the maritime transport sector.

Research plays an important role in development of maritime transport. However, research and innovations are limited due to limited focus on research manifesting in inadequate resourcing, staffing, financing and infrastructure and skills development. In addition, there is need to establish mechanisms to improve maritime transport research activities in key areas ship building, maritime education and training, safety, security and logistics and related support services. This will require establishment of a maritime research and innovation center to coordinate national research and innovations development initiatives in the maritime transport industry.

In addition, maritime transport supports and sustains a huge number of wealth-creating and poverty-alleviating activities in both developed and developing countries. Shipping provides job opportunities to people around the world. More than 1.5 million people are employed as seafarers. Related activities such as shipbuilding, ship repair and ship recycling provide more jobs to people in developing countries and ultimately contribute towards achieving the Sustainable Development Goals.

Maritime transport requires specialized competencies of human resource and well developed labour market. The Convention for Standards of Training Certification and Watchkeeping for Seafearers, as amended requires member States to establish a system for the management of quality standards in maritime education, training and certification, and recognition of international qualifications. The country ratified maritime labor convention which is implemented through the national maritime labor laws and the Employment Act (2007), however the maritime labor market is still faced with challenges including lack of wage standard for seafarers, limited employment opportunities onboard ships, limited participation of women in the maritime sector and abandonment of seafarers by the ship owners, therefore to sustainably harness potentials in the maritime transport sector, development and implementation of a coherent, national maritime transport policy is critical.

1.2 Overview of the Maritime Transport Sector and Allied Services in Kenya

The Kenyan coastline lies along major maritime trading and tanker routes connecting Africa to Europe, the Far East and the Americas due to its strategic location along the East African coast. The Country is central to regional shipping and the Port of Mombasa in Kenya has remained the largest and strategic gateway to the Eastern and Central Africa region (referred to as Northern Corridor) serving a combined population of over three hundred (300) million. On the other hand, the LAPSSET Corridor is Eastern Africa's largest and with an infrastructure project bringing together Kenya, Ethiopia and South Sudan, through the Lamu Port. In addition, Kenya has two major seaports at Mombasa and Lamu, with one inland port, Kisumu.

Kenya's maritime coverage includes approximately 370 km of ocean space from the shore into the sea with a Coastal length of 600 km. Further Kenya has approximately 10,700km of inland waters space which is navigable, making it a total of approximately 240,700 km^2 space of the Country's total area of 580,367 km2 (42%) which is also equivalent to the total land surface area of 31 out of the 47 Counties.

Kenya's maritime transport sector activities include; coastal and inland water transportation, logistics and supply chain, shipbuilding and associated supply sector industries, ports and marinas, maritime training, a wide range of professional services around the maritime activities including

maritime lawyers, marine environmental and professional associations, trade unions and organizations supporting the rights and interests of seafarers and maritime professionals.

To facilitate multimodal transport connectivity, the Government constructed the Standard Gauge Railway (SGR) to connect the Mombasa port to Naivasha and the revamped the Metre Gauge Railway (MGR) to link Naivasha to the revamped port of Kisumu, while the revived *MV uhuru wagon ferry provides* transportation of oil products in the Lake Victoria region. The country has also developed other forms of transport like road, air and pipeline that ensure seamless connectivity and enhanced transport services.

To build the capacity of human resources for both sea and shore-based services, the Government established a Centre of excellence for maritime education and training. However, maritime education and training is faced with challenges such as limited onboard training opportunities for seafarers, inadequate maritime trainers and experts, high cost of equipment and materials, inadequate integration of maritime education in the national education system, inadequate policies and guidelines on maritime education training.

Kenya's maritime transport sector contributes approximately Ksh. 73 Billion per year and fisheries Kshs. 48.8 Billion. Approximately 90% of Kenya's International Trade is seaborne of whose value amounts to more than US$ 3 billion annually. This represents the potential of maritime transport in economic development, investment, wealth creation and employment. Therefore, there is a need to support development of the infrastructure in the maritime transport as well as the maritime education, research development and innovations, and enhance ease of doing business among others.

The maritime transport in Kenya contributes to manufacturing through building and repair of ships and boats. The country has potential in the manufacturing and repair of containers and equipment which needs to be exploited. This will be in line with the Government agenda in manufacturing and industrialization. A competitive, reliable and maritime transport service is critical in realization the Kenya's development agenda and therefore the importance of a coherent and comprehensive policy.

Heavy capital outlays in the maritime industry have impacted negatively in the country's participation in the maritime industry. Shipping is a specialized and requires materials which are imported. This makes some shipping ventures like ship building and repairs, shipyards be out of reach. Further, the country's low participation in shipping industry is due to lack of a merchant shipping fleet. This manifests in losses in foreign exchange earnings, loss of employment opportunities, tax revenue and capital flight. The overall impact of this is the loss of the country's international trade competitiveness and negative balance of payments. A policy that will address capital investment opportunities in Kenya is therefore important.

1.3 Global and Regional Maritime Transport Trends and Dynamics

Maritime transport experiences rapid changes of global trends in world trade, ship safety, environment, port operations, digitalization, containerization, emerging alternative sea route, and supply of maritime labor. These trends come along with opportunities and challenges.

For instance, one of the global challenges facing the maritime transport industry include air pollution due to the emission of GHG from ships' Internal combustion engine (ICE). To address the challenge, the Engine Efficiency Design Index (EEDI) was introduced to measure the energy efficiency of ships. It is estimated that, currently the shipping industry is responsible for about 3% of GHG emissions worldwide. IMO aims to reduce average carbon dioxide emissions per ship by at least 40% compared to 2008 and by 70% by 2050 and to cut the annual greenhouse gas emissions from international shipping by at least half by 2050, compared with their level in 2008.

New disruptive technologies are likely to emerge changing the maritime transport sector in many ways, such technologies include artificial intelligence (AI), blockchain and digitalization, big data analytics, and more advanced communications. While the new technology will enhance efficiency, emerging risks such as cyber security which may pose danger to safety of navigation and security. There are new expectation son underwater noise, pollution and marine litter which call for new policy interventions to meet the dynamic global standards. To mitigate climate change, the world is focusing on renewable energy, leading to emerging offshore wind farms all over the world. It is

estimated that by 2023, the proportion of newly installed capacity of global offshore wind farms to the total newly installed capacity of global wind power will increase from 8% in 2018 to 22%. The total global installed capacity of offshore wind power will reach 100 GW by 2025. As a result, there is a new category of workers known as industrial personnel to be carried by ships on international voyages.

New maritime technological advancement have led to development of the Marine Autonomous Surface Ships (MASS) this has prompted the International Maritime Organization in collaboration with the maritime industry to develop legal instruments for regulation of autonomous ships.

At regional level, the maritime transport sector is growing in terms of trade, collaboration, competition and business environment. There are concerted collaborative efforts in ensuring security, developing infrastructure and adopting appropriate technologies among others.

1.4 Rationale and policy alignment

Kenya is party to various international instruments that regulate the maritime transport sector, the most important ones being the United Nations Convention on the Law of the Sea (UNCLOS) and those developed under the auspices of the International Maritime Organization (IMO). These instruments call for parties to develop policies that will contribute to the achievement of the objectives at the international level.

The United Nations adopted the seventeen sustainable development goals (SDGS) which aim to secure a better and more sustainable future for all. Some of the goals directly address the maritime transport sector including SDG 14 - Conservation and sustainable use of the oceans, seas and marine resources. Maritime transport sector is a contributor and enabler to the attainment of most of the sustainable development goals and thus it is imperative for Kenya to develop policies that will promote the contribution of the maritime transport sector to the attainment of the sustainable development goals.

At the continental level, the African Union has adopted various strategies to promote the maritime transport sector. The African Maritime Transport Charter and the 2050 African Maritime Strategy (AIMS 2050) have provisions for harmonization of policies which will promote the sustainable development and growth of the continents maritime transport sector. The two instruments were developed to address Africa's maritime challenges and promote sustainable development and

competitiveness through job creation, international trade, maritime infrastructure, information, communication and technology, and logistics. To realize this a comprehensive and coherent maritime transport policy is an essential ingredient for Kenya's sustainable development of the maritime transport sector and contribution of Kenya to the attainment of the continental vision.

Kenya is also a member of the East African community which was formed to promote regional political, economic and social integration. The East African Community Vision 2050 has been developed to achieve socio-economic transformation and development. Maritime transport has been identified as key driver to the attainment of the vision in consideration of the existing maritime transport activities at the coast and within the inland waters shared by the member states. At the national level, the Kenya Vision 2030 seeks to transform Kenya into a newly industrializing, "middle-income country providing a high quality life to all its citizens by the year 2030.The medium term plans of the vision have identified the blue economy sector (which includes maritime transport) as a contributor and enabler to the attainment of the vision.

The policy has been aligned to the international, continental, regional and national policies and aspirations and will contribute to the attainment of sustainable development and increase the contribution of the sector to the Kenya's Gross Domestic Product (GDP). This will be achieved through the development of strategies to address maritime transport issues including industry development, investment; financing; safety, security and protection of the marine environment as well as measures to address trade facilitation, communication, research and human resource development for the maritime transport sector.

1.5 Scope, Vision, Mission, Goal and Objectives of the Policy

1.5.1 Scope

The scope of the policy will cover maritime transport sector which is anchored in the Integrated National Transport Policy and aligned to the international instruments governing the development, regulation and coordination of the maritime transport sector.

It covers the maritime transport areas including safety, security, protection of marine environment, maritime trade facilitation, investment and infrastructure, maritime labour, maritime governance, maritime communication, maritime education and training, research and development and maritime transport allied services. It also provides for implementation framework which covers,

governance, resource mobilization, monitoring, evaluation and reporting, partnerships and collaborations among others.

1.5.2 Vision

A well developed and coordinated maritime transport sector that is safe, secure and sustainable.

1.5.3 Mission

To build and advance the maritime transport sector through integrated planning and investment, education and research, and to offer efficient and effective services for the socioeconomic development.

1.5.4 Goal

To create a coherent governance framework and build the requisite capacities for trade facilitation while guiding the development of a safe, secure and environmentally friendly culture in the maritime transport sector for sustainable development.

1.5.5 Policy Objectives

The policy seeks to achieve the following objectives:

1. Promote trade development and facilitation in maritime transport and allied services;
2. Enhance maritime safety, security and protection of the marine environment;
3. Promote investments in maritime transport and allied services;
4. Develop adequate and competitive human capital for the maritime transport sector through maritime education, training and certification, while promoting sustainable employment environment that attracts, motivates and retains the workforce;
5. Promote progressive research, innovation and knowledge management towards technological advancement and informed decision making for sustainability of the maritime transport sector.
6. To promote good governance, integrated planning and coordination in the maritime transport sector and alignment to international development agenda as well as sustainable resource mobilization and partnerships.
7. Mainstream emerging and cross cutting issues including climate change, gender, disability, mental health, HIV&AIDS and the campaign against drug and alcohol abuse;

1.6 Guiding Principles and Core Values

In the implementation of the policy, the following guiding principles and core values will be adhered to:

a) **Quality Management Standards**: The policy provides for strict adherence to quality standards as set out under the international instruments and the respective laws of Kenya.

b) **Public Participation**: The policy shall be based on the tenet of public participation as enshrined in the Constitution and the respective laws of Kenya

c) **Technology and Innovation**: The advancement of the maritime transport sector shall be based on the promotion and uptake of modern technology and innovation

d) **User and polluter pay:** the sector players who use the maritime transport services shall be required to pay for the services while those polluting the environment shall be required to pay various charges as may be applicable.

e) **Team work:** The sector stakeholders shall be required to play their respective roles while encouraging the spirit of collaboration.

f) **National Values and Ethos**: All sector players shall be bound by the national values and ethos as enshrined in the Constitution of Kenya, which includes patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized, good governance, integrity, transparency and accountability and sustainable development.

1.7 Policy Development Process

The Constitution of Kenya binds all State organs, State officers, public officers and all persons who make or implement public policy decisions to ensure that participation of the people is undertaken and that such decisions enhance sustainable development. In addition, stakeholders' participation in the development process is critical for inclusion of views and instill a sense of ownership.

In this regard, the Policy will be finalised through a consultative process by conducting public participation and stakeholders' engagement forum as well as availing opportunities for

communications of any contributions and feed by the public and stakeholders. The draft policy will be made available for members of the public. The communication calling for members of public and stakeholders was made to ensure inclusivity and enhance participation.

An interagency working group was established to develop the policy and coordinate the policy making process in accordance with the Constitution. The policy draft will be presented for approval by relevant organs of Government.

CHAPTER TWO: LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK

The maritime transport sector is regulated and governed by international, regional and national instruments. The Constitution of Kenya provides for the recognition and implementation of international treaties which form part of the Kenyan laws. The international instruments are domesticated to align with the Kenya constitutional environment. Some of the areas of focus include trade development and facilitation, safety, security, communication, education, labour and environment.

2.1 International Legal and Policy Instruments governing maritime transport sector

Kenya is party to various international instruments relating to maritime transport which include:

2.1.1   Maritime trade development and facilitation

1. Convention on Facilitation of International Maritime Traffic (FAL), 1965, provides for standards and recommendations on prevention of unnecessary delays in maritime traffic, to aid cooperation between governments and to secure the highest practicable degree of uniformity, informality and other procedures;

2. UNCTAD supports developing countries to access the benefits of a globalized economy fairly and competitively.

3. Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (PAL), 1974 provides a regime for liability for damage suffered by passengers carried on a sea-going vessel;

4. WTO trade facilitation agreement provides for expediting the movement, release and clearance of goods, including goods in transit.

5. Convention on Limitation of Liability for Maritime Claims(LLMC), 1976, provides framework for limits of claims for loss of life, personal injury and property on ships.

6. Hague rules, 1924, is an international convention for the unification of certain rules of laws to provide minimum standards for carriage of goods by sea.

7. Hamburg Rules, 1978, is a United Nations International Conventions on the carriage of goods by sea. It establishes a uniform legal regime governing the rights and obligations of shippers, carriers and consignees under a contract of carriage of goods by sea; and

8. SOLAS, Chapter VI/2 VGM, ensures shippers correctly declare the total verified gross mass of shipping containers for export.

2.1.2   Maritime Safety

1. United Nations Convention on the Law of the Sea, 1982, as amended (UNCLOS) lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources.

2. International Convention on Safety of Life at Sea, 1974 as amended (SOLAS Convention) which specifies minimum standards for inspections and surveys of cargo ships, passenger ships and their equipment and radio installations, certification, control and casualty investigations; ship construction; search and rescue.

3. International Convention on Load Lines, 1966 as amended (Loadlines Convention) which provides markings assigned on ships and marked amidships on each side of the ship together with the deck line.

4. International Convention on Tonnage Measurement of Ships, 1969 as amended (Tonnage Convention) which makes provision on how to calculate gross and net tonnage of a ship;

5. The Convention on international regulations for preventing collisions at sea, 1972 (COLREGs) which guides safety of navigation on the following areas; Steering and Sailing, Lights and Shapes, Sound and Light signals, Exemptions and Verification of compliance with the provisions of the Convention.

6. Convention for Safe Containers, 1972, as amended (CSC) provides generally acceptable test procedures and related strength requirements to facilitate the international transport of containers.

7. International Convention on Maritime Search and Rescue, 1979, as amended (SAR) provides for the establishment of rescue co-ordination centers and subcenters.

8. Nairobi International Convention on the Removal of Wrecks, 2007, as amended (Nairobi Convention) provides a set of uniform international rules aimed at ensuring the prompt and effective removal of wrecks located beyond the territorial sea of a State is undertaken;

9. Convention on the International Maritime Satellite Organization, 1976 as amended (IMSO) provides standards of satellite communications for shipping specifically those used in the Global Maritime Distress and Safety System (GMDSS);

10. International Convention on Salvage, 1989, as amended (Salvage Convention) establishes a system of making provision for an enhanced salvage award taking into account the skill and efforts of the salvors in preventing or minimizing damage to the environment when a ship incident or accident has occurred;

11. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW), provides the basis for minimum standards of competence relating to training, certification and watch keeping for seafarers; and

12. IMO Assembly Resolutions on maritime safety and prevention of marine pollution.

2.1.3   Maritime Security

1. United Nations Convention on the Law of the Sea, 1982, as amended (UNCLOS) lays down a regime on repression of piracy, trafficking in narcotic drugs or psychotropic substances, unauthorized broadcasting from the high seas, ships without nationality, ships refusing to show their flag; duty to cooperate on the repression and suppression of unlawful acts, matters of hot pursuit among other aspects;

2. International Convention on Safety of Life at Sea, 1974 as amended (SOLAS Convention) provides for maritime security regulatory regime and special measures to enhance maritime security;

3. The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988, as amended and the Protocols (SUA Convention), provides measures for appropriate action to be taken against persons committing unlawful acts against ships;

4. The African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter) aims at preventing and curbing national and transnational crime, especially terrorism, piracy and armed robbery against ships, as well as all forms of trafficking at sea. It also aims at protecting environment in general and particularly maritime environment in coastal and island states, as well as strengthening cooperation in the field;

5. Djibouti Code of Conduct, 2017, as amended, (Djibouti Code of Conduct) seeks to build national and regional capacity to address wider maritime security issues, as a basis for sustainable development of the maritime sector;

6. IMO Assembly Resolutions on measures to prevent acts of piracy and armed robbery against ships; and

7. United Nations Security Council Resolutions calling for intensified action against maritime piracy.

2.1.4   Maritime Communication

1. United Nations Convention on the Law of the Sea, 1982, as amended (UNCLOS) requires member States to maintain their maritime communication systems;

2. International Convention on Safety of Life at Sea, 1974 as amended (SOLAS Convention) provides standards for communication from ship to ship and ship to shore and incorporates the Global Maritime Distress and Safety System (GMDSS);

3. Convention on the International Maritime Satellite Organization, 1976 as amended (IMSO) provides for the establishment of satellite communications for shipping. It establishes IMSO as an entity to oversee the provision of satellite-based maritime communication services under Global Maritime Distress and Safety System (GMDSS);

4. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, (STCW) 1978, as amended provides for standards of training and certification of seafarers on matters relating to the global maritime distress and safety system (GMDSS) and conduct of trials and training and certification in modern technology such as electronic charts and information systems (ECDIS) among other aspects; and

5. International Convention on Facilitation of International Maritime Traffic, (FAL Convention), 1967, as amended contains standards and recommended practices and rules for simplifying formalities, documentary requirements and procedures on ships' passengers, crew and cargo arrival, stay and departure.

2.1.5   Maritime Education and Labour

1. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 as amended provides for standards of training and certification of seafarers;

2. International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) 2007 provides for standards of training and certification for fishing vessels personnel;

3. Maritime Labour Convention (MLC) 2006 provides standards for employment, welfare and protection of seafarers rights;

4. ILO Seafarers Identity Document (SID-C185) 2003 provides standards for issuance and management of SID to facilitate shore leave, transit and transfer of seafarers; and

5. Work in Fishing Convention 188 of 2007 provides standards for employment, welfare and protection of fishers.

2.1.6   Marine Environment

1. International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL) provides standards for prevention of pollution including oil, noxious substances carried in bulk, harmful substances carried in packaged form, sewage, garbage and air pollution;

2. Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (and the 1996 London Protocol) LC/LP provides standards for the prevention and management of dumping at sea.

3. International Convention on Oil Pollution Preparedness, Response and Co- operation (OPRC), 1990 provides for standards for establishment of oil spill response contingency planning.

4. Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS Protocol) provides standards for prevention and management of pollution from hazardous noxious substances from ships;

5. International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS), 2001 provides for prevention and control of harmful substances in anti-fouling paints used on ships;

6. International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 provides standards for prevention and control of alien species carried in ships ballast water systems;

7. International Convention on Civil Liability for Oil Pollution Damage(CLC), 1969 provides a framework for compensation for damages resulting from oil pollution from ships;

8. 1992 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND 1992) provides a framework

for establishment of an international fund for compensation for damages resulting from oil pollution from ships;

9. International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS), 1996 (and its 2010 Protocol) provides a framework for compensation for damages resulting from pollution from hazardous and noxious substances carried by ships;

10. International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 provides a framework for compensation for damages resulting from bunker oil pollution from ships; and

11. Nairobi International Convention on the Removal of Wrecks, 2007 provides framework for removal of ship wrecks that affect safety of navigation including insurance and compensation mechanisms.

2.1.7   Coordination and Implementation of IMO Instruments

The IMO instruments implementation code (III Code) establishes the framework of IMO members states audit scheme (IMSAS). The scheme requires member states to comply with international obligations in terms of port state, coastal state and flag state. The scheme requires member states to establish institutional framework to coordinate implementation of IMO instruments.

2.2 Regional Legal and Policy Instruments governing maritime transport sector

1. Lake Victoria Transport Act, 2007, provides regulations for maritime safety and security for vessels operating in Lake Victoria;

2. Africa Maritime Transport Charter, 2010, provides framework for cooperation in implementation of maritime conventions and regulations particularly in the areas of safety, security and investment;

3. East Africa Community Customs Management Act, 2004, (EACCMA), provides a framework for the management/administration of customs and related matters;

4. The Indian Ocean Memorandum of Understanding on Port State Control, 1999, as amended (IOMOU), which promotes regional co-operation in the control of ships and discharge,

enhances flag and port State capabilities in the Indian Ocean with a view to prevent the operation of substandard ships as well as avoid the distortion of competition between port; and

5. Africa Integrated Maritime Strategy 2050 (AIMS), 2014, provides a long term plan of actions that will achieve objective of the AU to enhance maritime viability for a prosperous Africa.

2.3 National Legal and Policy Instruments governing maritime transport sector

The overarching legal and policy instrument for the maritime transport sector is the Constitution of Kenya, 2010. Some of the other existing legal and policy instruments relating to maritime transport sector are classified below;

1. **Maritime Trade development and facilitation:** Merchant Shipping Act Cap 389, Kenya Maritime Authority Act, Cap 370, KENTRADE Legal notice, East African Customs Management Act, Kenya Ports Authority Act, 1979, Carriage of goods by sea Act, 1983, Kenya Bureau of Standards Act, Cap 496, Public Health Act, Cap. 242, Marine Insurance Act, 1968, Kenya Revenue Authority Act, 1995, Kenya Plant Health Inspectorate Service Act, 2011, Special Economic Zones Act, 2015, Kenya Investment Promotion Act, Cap 485B, Immigration Act, 172.

2. **Maritime Safety and Security:** Merchant Shipping Act Cap 389, Kenya Maritime Authority Act, Cap 370, Kenya Ports Authority Act 1979, Kenya Coast Guard Services Act, 2018, Kenyan Penal Code Cap. 63, Kenya Civil Aviation Authority Act, 2002, The Survey Act Cap, 299, Kenya Information and Communications Cap 411A, Maritime Zones Act Cap 371, Kenya Defence Forces Act, 2012, Firearms Cap. 114, Prevention of Terrorism Act, 2012.

3. **Marine Environment Protection:** Merchant Shipping Act Cap 389, Kenya Maritime Authority Act, Cap 370, Kenya Ports Authority Act, 1979, Kenya Bureau of Standards Act, Cap 496, Energy Act, 2019, Nuclear Regulatory Act, 2019, Kenyan Penal Code, Cap. 63, Kenya Civil Aviation Authority Act, 2002, Environmental Management and Co-ordination Act, Cap, 387, Maritime Zones Act Cap 371.

4. **Maritime Education and Training (MET) and Labour:** Merchant Shipping Act Cap 389, Kenya Maritime Authority Act, Cap 370, Legal Notice for BMA, Kenya Citizenship and Immigration Act, Education Act, Cap, 211, The Technical and Vocational Education and

Training ACT (TVET) Act 2013, Kenya National Qualification Framework Act, 2014, Employment Act, 2007, Labour Institutions Act, 2007, Labour Relations Act, 2007, Occupational Safety and Health Act, 2007, Work Injury Benefits Act, 2007, National Social Security Fund Act, 2013, National Hospital Insurance Fund (Amendment) Act, No. 1 of 2022, Public Health Act, Cap. 242.

5. **Allied Sectors:** The Fisheries Management and Development Act, 2016, Wildlife Conservation and Management Act, 2013, Mining Act, 2016, Tourist Act, 2011, Energy Act, 2019.

6. **Policies:** Kenya Vision 2030 and its Medium Term Plans, Integrated National Transport Policy, Integrated Coastal Zone Management Policy, National Oceans and Fisheries Policy, National Spatial Plan, National Energy Policy, 2018, National Tourism Policy, National Environment Policy, 2013, Kenya Investment Policy.

CHAPTER THREE: SITUATIONAL ANALYSIS

The chapter highlights situation analysis including the strengths weaknesses, opportunities and threats (SWOT) as well as the political, economic, social, technological, environmental and legal (PESTEL) and the stakeholder's analysis.

3.1. SWOT Analysis

3.1.1 Strengths

The maritime transport is a key catalyst for the country's socio-economic development and international competitiveness. The sector continues to grow, especially with the national Government's focus to promote investment in the Blue Economy.

Kenya holds special interests in maritime transport and navigation as a, flag port and coastal State and serves the international maritime community in the IMO council. Kenyan coastline lies along major maritime trading and tanker routes connecting Africa to Europe, the Far East and the Americas due to its strategic location along the East African coast. Kenya's maritime coverage includes approximately 370 km of ocean space from the shore into the sea with a Coastal length of 600 km and approximately 10,700km of inland waters space is navigable, making it a total of approximately 240,700 km2 space of the Country's total area of 580,367 km2 (42%) which is also equivalent to the total land surface area of 31 out of the 47 Counties.

The Country is central to regional shipping and the Port of Mombasa has remained the largest and most strategic gateway to the Eastern and Central Africa. The expansion and modernization of Mombasa port, rehabilitation and expansion of Kisumu port, development of Lamu port and establishment of Shipyards both in Kisumu and Mombasa by Kenya Shipyard Limited positions the country to contribute to socio-economic growth and remain as a regional hub for maritime activities.

The Country has developed legislations and policies to facilitate domestication of international maritime conventions. The legal framework establishes various institutions with mandates relating to maritime transport sector and coordination mechanism. The country has enhanced seamless connectivity through multimodal transport to facilitate maritime trade. The government has invested heavily in the development of SGR and the rehabilitation of MGR as well as expansion of the road network and pipeline including rehabilitation of wagon ferry, (*MV UHURU)* in Kisumu.

The country has also established a framework for coordination of the Mombasa port and Northern Corridor community. This enhances efficiency, reliability, productivity, transparency and communication.

The government has established a collaboration framework in the Lake Victoria region on blue economy activities in partnership with the Lake Basin Development Authority (LBDA) and Lake Region Economic Bloc (LREB). It is envisaged that this multi-agency collaboration framework will be replicated to all Kenyan waters.

The country has experienced growth in the maritime trade. The port of Mombasa total cargo throughput has steadily increased over the past five years, rising from 30.35 million MT in 2017 to 34.55 million MT in 2021. The total container traffic increased from 1.36 million TEUs to 1.4 million TEUs between 2020 and 2021 representing 6% growth. The Country has established a national committee on trade facilitation under the World Trade Organization agreement on trade facilitation whose objective is to streamline co-operation to reduce the red tape. This seeks to reduce the cost of doing business and time in clearance cargo across borders.

The country has established a Maritime Single Window platform under the FAL Convention which provides for electronic exchange of documentation to facilitate efficiency in clearance of ship, cargo, crew and passengers. The Development of single window system facilitate faster clearance of cargo and vessels

3.1.2 Weaknesses

The weaknesses affecting the Maritime transport sector in the country include;

Maritime trade development and facilitation: The imbalance between imports and exports handled accounting for 86% and 14% respectively, Low number of vessels in the Kenyan Registry, Lack of incentives to attract and retain investments in the maritime transport sector, Inadequate and ageing ship repair facilities, Few domestic maritime service companies, Limited linkages between the different parts of the maritime transport sector.

Legal and Policy framework: Slow processes and fragmented approaches in the enactment of national laws and domestication of international instruments, Passive participation in developments of global and regional maritime instruments and decision making processes. Unfavorable fiscal and legal regime to support investment in the maritime transport sector.

Institutional framework: Insufficient institutional capacities and competences for implementation and enforcement of policies and laws and government directives, Insufficient coordination and collaboration among ministries, departments and agencies in the maritime and allied industries, Inadequate surveillance, law enforcement and integrity in the prevention of movement of substandard, harmful, counterfeit and illicit goods Duplication or overlaps of institutional mandates may affect or delay implementation of the policy; Limited coherence in execution of sector policies which may result in unhealthy competition and conflict in other sectors.

Maritime Communication: Inadequate number of maritime communication facilities to facilitate an effective system of response to life threatening incidences at sea and inland waters.

Human Resource Development: Inadequate human resource capacity to undertake and oversee safety of navigation services in Kenyan waters including inland waterways, Inadequate supply of specialized and skilled maritime human resource required to work onboard ships and to support allied services such as offshore oil and gas exploitation, offshore mining, fishing, tourism and ship building and repair, container manufacturing and repair, Unavailability of opportunities for shipboard training due to limited Kenyan flag fleet and ship ownership to provide employment opportunities, uncompetitive remuneration;

Infrastructure and Technology: Inadequate infrastructure and/or facilities to facilitate effective and efficient surveillance of the Kenyan maritime zones and inland waterways, Small and fragmented industries in maritime technology sector, Inadequate adoption of the modern and dynamic technology, Inadequate seamless connectivity and movement of cargo to hinterland, Underutilization of existing maritime transport sector facilities

Research and Data: Lack of maritime research, innovation and development; inadequate collection and utilization of data and statistics for national, regional and global trade, Lack of national maritime data bank.

3.1.3   Opportunities

The following are the opportunities in the maritime transport sector:

i.   Approximately over 90% of Kenya's International Trade is seaborne of which we pay out more than US$ 3 billion annually representing an opportunity to implement policies to retain a portion of these earnings and create employment.

The proposed and ongoing heavy infrastructural investments such as, Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET), Construction of the second phase of the New Container Terminal 2 (1.2M TEUs), Dongo Kundu Special Economic zone, Dongo Kundu Distribution-parks, Shimoni Integrated Port Development Project, Lamu Coal Power Station, Kisumu Waterfront Development Project (a new port off Dunga Beach) and development of a maritime transport network and related infrastructure on Lake Victoria are bound to create a opportunities for both offshore and on-shore maritime transport and allied service providers.

ii. Prospects of commercially viable quantities of hydrocarbon will promote the development of maritime transport sector and associated industries.

iii. Revival of Kenya National Shipping Line as a critical intervention with potential for socio-economic development including wealth creation, employment and revenue generation.

iv. The Country good relations with international players in the industry to create 10,000 seafaring jobs within a 10-year period;

v.   Availability of various career opportunities in the maritime transport and allied sectors.

vi. The country's prioritized interest in the development of blue economy and maritime education and training;

vii. Increased awareness in the country on the potential of the maritime transport sector;

viii. Kenya's youthful population which can be attracted to the maritime transport sector.

ix. Kenya serves as the link to a great hinterland in East and Central Africa and there is potential to grow the maritime trade in the country.

3.1.4   Threats

The following threats may impact on the development of the maritime transport sector in Kenya.

i. Increasing regional competition which exert pressure on the market share;

ii. Regional political instability and interference in the region;

iii. Disruptive technologies;

iv. Brain drain in the maritime transport;

v. Global economic crisis;

vi. Climate change; and

vii. Pandemics and natural calamities.

3.2. PESTEL Analysis

The risks and opportunities in the implementation of the policy can be categorized as political, economic, social, environmental and legal (PESTEL).

Political: Uncertainties emanating from limited political goodwill and changes in government priorities. Some of the political risks include the prioritization of government in resource allocation, including bureaucratic approach, which might impact on domestication and implementation of international maritime conventions.

Economic: Slow economic growth and global economic shocks have potential to affect the growth and development of maritime transport sector.

Social: Some of the social risks that affect maritime industry include; unemployment, industrial action, poverty, health pandemic, cultural perception, gender inequality and non-inclusivity.

Technological: Lack of investments in scientific research and technological innovations in the maritime transport sector to identify and map the trends in international shipping in order to design suitable national policies to guide the country towards viable future maritime transport investments. Disruptive technology, rapid development of technology in the industry that might render capital intensive investments obsolete within a short period and increase cost of doing business in the short run.

Environmental: Climate change might impact on the maritime transport sector infrastructure and trade. Pollution from the maritime transport sector has potential to negatively impact the marine ecosystem and the economy, environmental integrity and sustainability.

Legal: Slow pace of domestication of international instruments and inadequate national policy and legislative framework affect the country in meeting its international obligations and effective

regulation of the maritime transport sector. Compliance to regulatory framework may increase the cost of doing business in the short run thus requiring mitigation measures from industry players.

3.3.   Stakeholders' analysis

Maritime transport services are carried out by various institutions/stakeholders as per their specific mandates as provided in their legal instrument and therefore influenced by different stakeholders. Categories of stakeholders include: Ministries, Departments, Agencies, County Governments (MDAs); Development partners; private stakeholders; Training institutions; International Organization; and national and regional associations.

Ministries, Departments and Agencies: Ministries, departments and government agencies in charge of services allied to shipping and maritime, or/and legal and development of the maritime transport sector.

County Governments: County Governments bordering Coastal and inland waters bodies.

Research, Education and Training Institutions: All institutions with approved programmes in maritime education and training, as well as offering other maritime related courses and research.

Private Stakeholders: Comprises of boat owners, seafarers, Ship Yards owners, Logistics & Transport stakeholders, Shipping lines and associated Companies, Finance & Insurance Firms, Shipyard Subcontractors, Manning agents.

International Organization: International Maritime Organization, International Labor organization, International Transport Federation organization, UNCTAD, WTO, WCO, among others.

Associations in the maritime transport sector in Kenya: These are associations representing Seafarers, Marine and commercial shipping Practitioners, Shipping Lines, Shipping Agents, Clearing and Forwarding, CFS Operators, Empty Container depots Operators, Cargo Consolidators, Transporters, Shippers, Ship Contractors Association among others.

Regional Organization: AUC, COMESA, EAC, NCTTCA, PMAESA, IGAD, Inter Governmental Standing Committee on Shipping (ISCOS), Lake Victoria Basin Commission (LVBC), Women in the Maritime Sector in Eastern and Southern Africa (WOMESA) among others.

CHAPTER FOUR: POLICY PROVISIONS

This chapter contains the policies that the government seeks to implement to enhance the regulatory, developmental and stability agenda on the maritime transport sector. Every chapter has the overall policy statement, policy context and policy actions. It contains policies on maritime transport safety, security, protection of environment, trade facilitation, maritime education and training, labour and human resource development, research development and innovations, infrastructure investments and development, maritime transport allied services and mainstreaming of cross cutting and emerging issues.

4.1. Maritime Trade Development and Facilitation

Policy statement

The government is committed to growing the maritime transport industry and the creation of a conducive trade environment in the maritime transport sector in compliance with international laws to promote Kenya's competitiveness in the global market for economic development.

Context

The maritime transport industry has continued to contribute to the economy including wealth creation, employment, and capital assets of the country. Maritime transport contributes about KES. 79 billion as value of output to the country's gross domestic product, though this is 5 percent of the modal share of transport sector value of output. The industry employs over 10,000 employees in sea and coastal passenger water transport, inland passenger water transport, and service activities incidental to water transportation, according to the Kenya Statistical Abstract (2020). In terms of cargo handling the industry approximately 1.5 million TEUs of containers with tonnage of approximately 34.5 million MT of which 86 percent are imports and 14 percent exports. The country has invested in the development of infrastructure to facilitate and grow trade, including expansion and rehabilitation of maritime industry facilities and in the allied industries.

With over 80% of global trade by volume and more than 70% of its value being carried on board ships and handled by seaports worldwide, the importance of maritime transport for trade and development cannot be overemphasized. Recognizing the sector's strategic function and its role in global economic development, it is necessary to enhance and facilitate the sectors environment for trade and ease of doing business across the region and beyond.

The expansion of port facilities which are strategic to receive larger vessels and it is likely to see an increase in transshipment of cargo within the region. In Kenya, the maritime transport sector through the ports play a crucial and strategic role in the facilitation of seaborne trade, both for Kenya and other land-linked countries with the port of Mombasa serving as a gateway to East and Central Africa. The port is connected to the hinterland through road and rail networks. The commissioning of Lamu port, and Rehabilitation and expansion of Kisumu port are part of Vision 2030 Flagship project that are likely to increase volumes of transshipment and transit cargo.

Kenya has ratified a number of conventions relating to trade facilitation and in compliance with laws and regulations. Also it's a member of other trade facilitation bodies in the region and globally.

Despite the enormous success in the maritime industry there are some challenges such as; inadequate regulatory framework; Inadequate port infrastructure, equipment and facilities; inefficiency in procedures and processes for cargo clearance; imbalance of trade; inadequate capacity of some maritime service providers, insufficient human resource capacity; inadequate adoption of the modern and dynamic technology; inadequate incentives to attract local investment; underutilization of existing facilities; competition for cargo; political interference; Inadequate collection and utilization of data and statistics for national, regional and global trade; inadequate seamless and connectivity movement of cargo to hinterland and illegal trade.

Policy Action

The government will:

1. Enhance business environment for maritime transport and logistics services to facilitate trade.
2. Develop a national cabotage regime and pursue regional cabotage regime.
3. Establish a framework to ensure stability and predictability of tariffs;
4. Promote designation of specialized maritime service providers as Special Economic Zones to promote exports;
5. Enhance infrastructure development in the maritime transport sector;
6. Promote the use of appropriate technology in the maritime transport sector;
7. Promote seamless and multimodal movement of cargo in the transport corridor;
8. Develop collaborative framework for maritime transport sector stakeholders for trade facilitation along the transport corridors;

9. Promote uptake of local marine cargo insurance;

10. Create public awareness on the maritime trade opportunities and developments and mandates of various government agencies in promotion of maritime trade facilitation.

11. Build capacity in the management of seaborne trade data and statistics to guide on strategic planning and decision-making.

12. Establish mechanism and systems for prevention of illegal trade;

13. Promote cargo reservation for the growth of national carrier;

14. Promote sharing and open access on trade and related data.

4.2. Maritime Safety

Policy statement

The Government is committed to ensuring that the maritime transport sector safeguards safety of life and property at sea in accordance with national and international requirements to create an enabling framework for trade and maritime allied services.

Context

The Kenyan coastline is considered safe for the movement of vessels in the region. This is a result of the regulations and enforcement of national, regional and international instruments governing maritime safety as well as establishment of maritime administration and coordination arrangement for the implementation of the safety functions including flag state, port state and coastal state obligations.

Over 90 percent of Kenya's international trade by volume is undertaken through maritime transport hence the need to ensure maritime safety in accordance with the international safety standards. Kenya is a member of the International Maritime Organization and is bound to implement the international instruments relating to maritime safety and security. For instance, the international instruments provide for cooperation among Governments on matters affecting shipping. While Kenya may offer ships in distress a place of refuge, it is also committed to elimination of substandard shipping by applying strict Port State Control regime in accordance with the IOMOU. Kenya has ratified various international instruments relating to safety of maritime transport and developed national laws as provided in Chapter Two on Policy and Legal Framework: -

Notwithstanding the progress the country has made on maritime transport safety there are number of challenges that the country needs to address including lengthy processes in the enactment of national laws; Inadequate inter-agency collaboration; Insufficient institutional capacities and competences; Non-compliance to the maritime safety standards; Inadequate communication infrastructure and facilities and Inadequate human resource capacity.

Policy Action

To sustain the progress made and address the challenges faced for the enhancement of the maritime safety the Government will: -

1. Develop national legislations to domesticate relevant international instruments on maritime safety;

2. Develop and enforce regulations on the standards, design construction and operation of small vessels;

3. Enforce compliance with ship safety standards through Flag State implementation and Port State Control;

4. Establish vessel traffic system (VTS) and traffic separation schemes to control the movement of ship and prevent marine casualty;

5. Promote use of appropriate technology for safety in boat and ship building and repair, sectors;

6. Enhance maritime search and rescue services through collaborative framework, adequate resourcing and adoption of appropriate technologies.

7. Establish maritime casualty investigation framework as well as adopt pro-active and reactive measures that will prevent and mitigate maritime accidents or incidents;

8. Strengthen Kenya's hydrographic survey capabilities and publication of the updated navigation charts for safety of navigation;

9. Provide effective and efficient aids to navigation (AtoN), navigational warnings and weather services to enhance safety of navigation.

4.3. Maritime Security

Policy Statement

Government is committed to providing and enhancing maritime security in accordance with the national and international standards to create an enabling environment for trade and development of maritime transport and allied services.

Context

Maritime security is concerned with the prevention of and fights against various forms of acts or threats of security against a vessel, the crew and passengers or against the port facilities, maritime infrastructure, maritime facilities and maritime environment.

The common unlawful acts include: - piracy, armed robbery against ships, drugs trafficking, maritime terrorism and environmental crimes. The scope of unlawful acts has over the years significantly broadened to include organized crimes including smuggling of migrants, illegal fishing, trafficking of wildlife, arms trafficking, illegal dumping of toxic waste, pilferage of cargo among others.

Kenya is a member of various international organizations that support, provide assistance and guidance on matters relating to the implementation of international instruments related to maritime security.

Kenya's international trade is predominantly transported through maritime transport. Therefore, the country recognizes the significance of maritime security to create an enabling maritime space for economic development.

Kenya has ratified various conventions to enhance governance of its maritime domain and to prevent and suppress maritime insecurity within its waters. Kenya continues to implement regulations and adopt various measures to enhance security in the provision of maritime transport services, its port facilities, maritime infrastructure, maritime facilities and marine environment.

Notwithstanding the progress made, a number of challenges have been faced in implementation, these include, delays in the enactment/amendment of National Laws; inadequate human resource capacity, insufficient inter-agency coordination; inadequate regional cooperation in addressing maritime security threats; low maritime domain awareness and inadequate maritime security infrastructure and/or facilities.

Policy Action

The Government will: -

1. Develop national legislations to domesticate relevant international instruments on maritime security;

2. Develop and enforce national legislations to incorporate all aspects of international instruments ratified or acceded to by Kenya in respect of maritime security;

3. Develop and implement the National Maritime Security Strategy and the Risk Register;

4. Enter into bilateral/multilateral cooperation agreements with other States, regional and international bodies;

5. Establish multi-agency collaborative frameworks for integrated maritime surveillance, joint activities, symposium, monitoring and enforcement mechanism;

6. Develop infrastructure and facilities for maritime surveillance;

7. Enhance Protection of maritime infrastructure and installations.

8. Enhance human resource capacity to oversee maritime security; and

9. Strengthen institutional framework and capacities.

4.4. Marine Environment Protection

Policy Statement

The Government is committed to ensuring protection of the marine environment and building resilience to climate change for sustainable development.

Context

Oceans, lakes, rivers, waterways and estuaries cover two thirds of the earth's surface. They generate oxygen, absorb greenhouse gas (GHG) and regulate climate change; determine weather patterns and temperatures; and serve as highways for inland and international trade. Moreover, they are valuable source of food, minerals and energy and are thus considered the new economic frontier.

The continued realization of economic and social benefits arising from the use of the maritime space is dependent on the good health of our marine ecosystem, which must be protected from adverse effects on the marine environment.

Kenya has ratified and domesticated most of the major international Conventions on prevention, preparedness and response to pollution from ships as well as those on liability and compensation for pollution from ships. The Conventions provide a framework for the mitigation of pollution damage to the marine environment that would result from deliberate or accidental pollution from ships.

The full and complete implementation of the Conventions will contribute to the sustainable development of the maritime transport sector through prevention, reduction, control and response to pollution.

In light of the increased economic activity and the expansion of maritime activity in Kenya both in the coastal and inland waters, there is a proportional increase in risk of damage to the marine environment which would affect other economic activities in the maritime sector. Moreover, there are emerging threats to the marine environment including, marine litter, underwater noise, climate change and the control of invasive species.

There are a number of challenges that the country need to address to ensure the protection of marine environment, these includes: delays processes in the enactment/amendment of National Laws; insufficient institutional capacity; inadequate institutional collaborative framework; slow uptake of technology to support marine environment protection; inadequate port reception facilities; inadequate facilities equipment, systems and personnel; emerging environmental challenges including climate change and decarbonization of the shipping industry; insufficient infrastructure and facilities to handle dangerous and hazardous goods/cargo.

Policy Actions

To prevent and manage marine environment pollution, the Government will:

i) Develop national legislations to domesticate relevant international instruments on marine environment protection;

ii) Develop and enforce regulations on marine environment protection ;

iii) Develop a framework to enhance participation in international and regional initiatives to develop global maritime environmental regulatory frameworks;

iv) Develop and adopt modern technology to facilitate effective monitoring and surveillance of marine environment;

v) Enhance institutional capacity and inter-agency collaborations on marine environment protection measures to address prevention, preparedness, response, compensation and rehabilitation;

vi) Establish adequate port reception and waste management facilities and enhance the capacity of ports to handle dangerous good including hazardous noxious and harmful goods/cargo;

vii) Develop and Implement the national oil spill contingency plan

viii)   Enter into bilateral/multilateral cooperation agreements on marine environment protection;

ix) Develop and implement programs to enhance public awareness on marine environment protection;

x)   Implement programs that address emerging threats to the marine environment including marine litter, underwater noise pollution and greenhouse gas emission;

xi) Develop incentives to promote investment in marine environment protection;

xii) Develop capacities for environmentally sound ship recycling and management of wrecks

In order to enhance climate change mitigation and adaptation, the Government will:

i)   Adopt a climate resilient maritime transport system through development of mitigation and adaptation mechanisms for the maritime transport sector;

ii) Promote use of clean energy by ships to facilitate de-carbonization of the shipping industry;

iii) Promote the Kenyan flag as the flag of first choice for vessels adopting low or zero emission technologies;

iv) Promote partnership with financial institutions to encourage the provision of finance towards zero emission shipping technology development and manufacturing and

v) Create public awareness on the understanding and implementation of climate change mitigation and adaptation measures in the maritime transport sector.

4.5.   Maritime Communication

Policy Statement

Government is committed to the provision of communication systems and facilities in the maritime transport sector in accordance with the national and international requirements   to ensure safety, security to create an enabling environment for maritime transport, trade facilitation and support for the maritime allied services.

Context

Communication in the maritime transport sector is important as it contributes to safety of life at sea, security and efficient maritime trade. It provides for connection between ships at sea as well as their support ashore by relaying information relevant for the safety of navigation and trade. It is therefore imperative that Kenya has the requisite framework that meet international standards in

terms of establishment, management and maintenance of maritime communication systems for safety of navigation and facilitation of maritime trade.

The establishment of radio and other communication systems contributes to the implementation of national and international requirements for safety at sea, search and rescue, satellite as well as facilitation of maritime trade. There has been an increase in uptake of radio communication licenses by boat operators or vessel operators trading within Kenyan waters including inland waters. Kenya hosts the regional maritime rescue coordination center to assist in the coordination of search and rescue activities in the western Indian Ocean region. The center is also an information sharing center for the Djibouti Code of Conduct on suppression of piracy in the horn of Africa.

Kenya has developed national laws emanating from some of international instruments which have been incorporated in various laws. Kenya continues to implement these laws including adoption of various measures to enhance the establishment, maintenance and safeguard radio communications.

The country has an expanded market for the utilization of radio communication facilities. As of 2021 approximately 16,000 small vessels, approximately 47 registered vessels and approximately 1,800 foreign vessels called to the Kenyan ports.

Notwithstanding the progress made, there exists a number of challenges including low utilization of existing radio communication systems, delays in processes in the enactment/amendment of National Laws; inadequate human resource capacity; inadequate infrastructure and/or facilities to ensure sufficient coverage of communication facilities within Kenyan maritime zones and its inland waters as well as inadequate systems for monitoring and tracking small vessels operating within Kenyan water.

Policy Direction

The Government will: -

a) Develop national legislations to domesticate international instruments ratified or acceded to by Kenya in respect of maritime communications while considering the ratification or accession to relevant international instruments;

b) Establish bilateral/multilateral cooperation and inter-agency collaborative framework for the development and protection of maritime communication infrastructure and operations;

c) Develop maritime communication and information systems and facilities including the promotion of e-navigation to facilitate ship and shore data exchange and communications;

d) Establish and enhance the maritime single window system;

e) Establish and enhance an integrated maritime surveillance system;

f) Establish and enhance a coastal Very High Frequency (VHF) repeater network;

g) Designate seas areas under the jurisdiction of Kenya in accordance with SOLAS,

h) Establish subarea under NAVAREA VIII for subscribing to Maritime Safety Information (MSI); and establish and operationalize NAVTEX services.

i) Establish Emergency Position-Indicating, Radio beacon Station registration service (EPIRB);

j) Enhance the human resource capacity operating at the maritime rescue coordination centre;

k) Establish a system of monitoring, identification and tracking of small vessels.

4.6. Maritime Education and Training

Policy Statement

The Government is committed to ensure delivery of quality maritime education and training of qualified and competent human resource for the growth and development of the maritime transport sector.

Context

Maritime education and training encompasses competence development for seafaring and maritime transport logistics as well as maritime allied services. The Government takes cognizance of the importance of developing skills for seafarers, fishers, oil and gas operations at sea workers, maritime transport and logistics professionals which in combination with research-based knowledge is vital in improving and optimizing design, operation, maintenance and growth of the maritime transport sector.

Seafarer Training

The training and certification of seafarers is guided by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 as amended to which Kenya is party. The STCW Convention provides for uniform standards of training seafarers' worldwide prescribing the underpinning knowledge, understanding and proficiency at each level

of responsibility of seafarers. The quality and adequacy of seafarer training programmes are at the core of safe, clean, secure and sustainable shipping. Skilled and motivated maritime labour force is critical in driving the growth and development of the shipping industry.

The country is yet to harness the full potential in maritime education and training. The STCW Convention has been domesticated through the Merchant Shipping Act and its regulations. In addition, through inter-agency collaboration MET curricula has been developed and is being implemented at the degree, diploma, certificate, artisan and proficiency levels. To build the capacity of fishers, the Government has ratified international Conventions governing training, certification and welfare of fishers and their labour rights. The country has established a center of excellence in maritime education and training and various accredited training institutions have been approved to offer seafarer training programs.

There is an emerging interest of fishing vessels owners registering their ships in the Kenyan registry which is an opportunity for employment creation for Kenyan fishers to work onboard fishing vessels.

Maritime Transport and Logistics Training

Maritime transport and logistics training entail training in port and terminal operations, marine operations, handling cargo equipment, shipping documentation, port and shipping management, clearing and forwarding among others. In recognition of the important role shipping and logistics professionals play in the Kenyan economy, training in Maritime Transport and Logistics is in the process of standardization. Curricula has been developed through inter-agency collaboration.

It is envisaged that future growth in MET will see developing and deepening maritime skills by introducing non-traditional training like commercial diving, ship building and repair, and container repair among others. Growth of MET calls for well-informed, deliberate and concerted efforts by all stakeholders. This is cognizant of the fact that implementation of MET requires huge capital outlays in terms of investments in human resources, infrastructure, training equipment and materials, and technological requirements that these stakeholders (and the country as a whole) stand to benefit from the existence of an optimal MET system in Kenya.

Besides the progress the country has made in MET, it faces various challenges including the following; insufficient trainers with requisite competency and proficiency qualifications and sea service; inadequate equipment and technology to offer practical training and assessment; the high

cost of MET; inadequate institutional capacity; inadequate capacity to attract and retain specialized and experienced trainers, instructors and assessors; Lack of training berths and inadequate coordination and collaboration among MET institutions.

Policy action

The Government will:

1. Develop a Maritime Education and Training (MET) policy;
2. Domesticate international Conventions and instruments related to maritime education and training; and
3. Promote investment opportunities in the maritime education and training.

4.7. Maritime Human Resource Development

Policy statement

The Government is committed to promote development and employment of competent human resources for the maritime transport sector which is competitive in the national and global maritime labour market; and safeguard their rights and welfare to attract, retain, motivate and continuously build their capacity for sustainable growth of the maritime transport sector.

Context

The maritime transport sector has the potential to become a major contributor to the GDP of Kenya creating employment and earning foreign exchange. The Government seeks to develop the sector and expand the Kenyan maritime labour presence in the global shipping industry. To achieve this goal there is a need to develop competent human resources at sea and in the associated industries ashore. The Government is committed to promote maritime labour opportunities locally and internationally, foster responsible employment practices and safeguard protection of maritime labour rights through functional tripartite collaboration. Kenya is party to various Conventions on the engagement and welfare of personnel in the maritime transport sector. There are more than 3000 Kenyan seafarers who were registered as at September, 2021 out of whom about 1000 are actively employed onboard various ships.

While the Government has made considerable milestones towards development of maritime labour and human resource development there are a number of challenges that the country needs to address. These include; Inadequate legislative framework; Inadequate capacity of institutions; Insufficient coordination and collaboration among stakeholders; Inadequate supply of specialized

and skilled maritime labour human resource; Low numbers of ships registered in the Kenyan ships registry; lack of a wage standard for Kenyan seafarers; Low uptake of national social security and health schemes among the maritime labour; Inadequate shore welfare facilities ; and unstructured workers and maritime employer associations who are instrumental in registration of collective bargaining agreements.

Policy Actions

The Government will:

1. Develop and enforce maritime labour-force-related reforms to support maritime workforce;

2. Establish inter-agency collaborations to enhance implementation, enforcement, and reporting of maritime labour standards and requirements.

3. Develop collaboration mechanisms that link government, industry and training institutions;

4. Conduct skill mapping in maritime transport sector;

5. Enhance the institutional and human resource capacity of the maritime administration to monitor employment and welfare of seafarers with respect to port State, flag State and labour supplying obligations;

6. Promote mainstreaming of maritime professionals through alignment, validation, professional recognition and registration in collaboration with relevant bodies;

7. Promote availability of shore welfare facilities in Kenyan ports;

8. Establish partnerships with companies that demonstrate preference for women seafarers to promote training and employment opportunities for Kenyan women; and

9. Promote the establishment of a competitive remuneration framework for maritime transport sector.

4.8. Maritime Transport Research Development and Innovation

Policy Statement

The Government will continue to promote and support strategic approaches to research development, innovation, and knowledge management for the development of the maritime transport sector.

Context

Research support decision making in planning, policy and industry development in all sectors. Research development and innovation contributes to successful development of maritime clusters. Research is necessary for technological advancement in every sub-sector of the maritime transport sector, in key areas like maritime trade facilitation, marine environment, maritime safety, maritime security, Maritime education & Training and industrialization.

Comprehensive research in the maritime transport sector is key for sustainable development of the clusters. There are various laws in place which support research development, innovation and knowledge management in the maritime transport sector.

This notwithstanding, there are a number of challenges that the country needs to address to support research development, innovation and knowledge management in the sector. These include: little research development and innovation in the maritime transport sector; slow uptake of technology; minimal support for research and innovation; lack of collaboration and linkages between academia, researchers and maritime industry; inadequate funding for research and innovation activities; lack of expertise in research especially in the technical areas of the sector; absence of a clear agenda on research and innovation and awareness on topical issues and areas of research; absence of a repository of research and innovation reports and findings and a databank for information in the maritime sector; inadequate implementation of research findings; lack of infrastructure to support research and innovation; and poor knowledge management in the maritime transport sector.

Policy Actions

The Government will:-

i) Develop and implement a national maritime research and implementation strategy;

ii) Establish a national maritime transport research and innovation centre;

iii) Support new research in the maritime transport sector and establish linkages between academia, researchers and the maritime transport sector;

iv) Promote and facilitate research on the utilization of maritime resources in the maritime domain.

v) Implement strategies on the financing of research in the maritime transport sector;

vi) Establish a national maritime data bank that will also be a central repository for the research findings and purposes of knowledge management;

vii) Develop the institutional capacity to conduct research in the maritime transport sector for academia and industry; and

viii)   Establish and support research units in the maritime transport sector ministry, departments and agencies.

4.9.   Maritime Transport Investments and Development

Policy Statement

The government is committed to promoting public and private investment in the maritime transport sector to match the current and future needs of the sector and increase its contribution to the socioeconomic development and well-being of the country.

Context

Maritime investment contributes to economic stability, employment creation, provision of food security and improvement of quality of life for a country with a high maritime dependency factor. Some of the opportunities for investment in the maritime transport sector include: port development, shipbuilding and repair, container repair, ship ownership operations and support services, maritime education and training, technology, logistics, ship management, ship financing, marine insurance, shipbroking, maritime legal services, maritime and offshore engineering and maritime allied services. These investments are interdependent and contribute to the overall efficiency and productivity of the maritime supply chain system.

Kenya is a getaway to East and Central Africa hence numerous opportunities exist for consideration of investment for the private and public sector. The government has made substantial investments in some of the sectors including expansion of the port infrastructure. There are efforts to revamp the national shipping line, revamping of the Kisumu port and development of a Special Economic Zones in Mombasa and Naivasha and building of the Lamu port. These critical infrastructures require huge capital outlays of finance to develop them and hence require the private sector investment to consider.

Government has made significant progress in the investment of the maritime transport sector, however some of the challenges include: limited fiscal space, changes in supply and demand market segment for the shipping industry, lack of awareness of the investment opportunities in

the maritime transport sector, lack of incentives to attract investment in the sector, rapid change in technology and restrictive legal framework to encourage investment in the sector.

Policy Direction

The Government will;

1. Develop and equip ports with sub and super structures to accommodate all types of vessels calling the port;
2. Develop a maritime transport investment policy;
3. Establish a maritime cluster development fund;
4. Implement and adopt smart shipping through adoption of modern technology in operations through digitization;
5. Develop a framework for engagement and collaboration with financial institutions to finance investments in the maritime transport sector;
6. Provision of incentives to spur growth in the maritime transport sector;
7. Capacity building for human resources in Maritime transport investment;
8. Develop programs that promote startups in the maritime transport sector including incentives for small and medium enterprises in the maritime transport sector;
9. Promote Lamu as a transhipment hub to spur further investment in the port; and
10. Establish special economic zones for maritime investments.

4.10. Maritime Transport Allied Services

Policy Statement

The Government is committed to providing maritime transport and allied services for the safe, secure and sustainable utilization of Kenya's maritime resources through coordination and collaboration in the implementation of national and international requirements to create an enabling environment for socio-economic development.

Context

Maritime transport allied services are integral in supporting the Government's priorities in the development of the maritime sector. They require maritime transport services to undertake their activities, which therefore complements the development of the maritime transport sector. The maritime transport sector supports and compliments other sectors of the maritime economy including fishing, tourism, offshore oil and gas, mining and extractive, communication offshore

energy and scientific research. These sectors utilize the services of the maritime transport sector and operate in the same maritime domain with the maritime transport sector. Activities in the maritime transport sector has an impact on the development and efficiency of the allied services. The following are some cases of the relationship between the maritime transport sectors:

Various international legal instruments require the regulation of pollution from installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment and operation of such installations or devices.

These examples shows that there is a strong linkage and interdependency between maritime transport and the maritime allied services.

While there are different agencies regulating and promoting the development of the maritime allied services, there is need for co-ordination and collaboration between the various players and for harmonization of the maritime transport initiatives, investments and policies.

In the foregoing there have been several initiatives to develop a coordinated approach to the development of the sector with the realization that there are many players within the maritime sector. However, the development of the maritime allied services are faced by the following challenges: absence of a maritime spatial plan; inadequate human resource capacity; inadequate institutional and coordination framework; hazardous marine installations and marine environment pollution; inadequate safety of life at sea for the personnel; inadequate legal framework; inadequate enforcement of safety standards, inadequate requisite training and certification. Other challenges in the development of the maritime allied services include the lack of a spatial plan, inadequate institutional capacity of the agencies charged with developing the allied services, lack of awareness of the opportunities available in the maritime allied services sector and inadequate human resource capacity to contribute to the development of the maritime allied services.

Policy Direction

The Government will:

i) Develop a national maritime spatial Plan;

ii) Develop and implement a collaborative framework for the players in the maritime transport and allied services;

iii) Develop the capacity of maritime training institutions to offer training for the maritime allied services, in collaboration with relevant stakeholders;

iv) Create awareness on the opportunities in the maritime sector for the maritime allied services;

v) Promote and oversee the use of seaworthy vessels which are safely constructed and operated by personnel who are trained and certificated in accordance with set standards for all activities conducted by maritime allied services;

vi) Promote utilization of opportunities in the maritime allied services sectors; and

vii) Provide protection to offshore and undersea investments established by maritime allied services.

4.11 Mainstreaming Emerging and Cross Cutting Issues

Policy Statement

The Government is committed to ensuring that the maritime transport sector contributes in addressing emerging national and international issues as well as participating in the promotion of cross-cutting issues for the sustainable and inclusive development of Kenya.

Context

Kenya is committed to the achievement of the United Nations sustainable development goals including no poverty, gender equality and reduced inequality. Some of the emerging issues nationally and internationally include gender inclusivity, the participation of youth, people with disability and the marginalized in economic development. The government has put in place programs that will ensure inclusive development for all that needs the contribution of the maritime transport sector.

The government through its policy development and programs has ensured that the cross cutting issues are addressed. There has been an increase in the participation of women in the maritime sector including in senior leadership decision making. Furthermore, there are programs in the maritime sector to encourage the participation of women, youth and persons with disability. Considering some of the maritime resources are located in marginalized areas, there are programs by the government to promote the participation of the marginalized in the development of the maritime transport sector.

Though efforts have been made to address the above mentioned issues, some of the challenges experienced in the maritime sector that hamper the achievement of gender equality, involvement

of persons with disability and participation of the marginalized include the current low participation of women in the sector, the nature of the industry not being conducive for persons with disability, inadequate human resource capacity of the youth in the maritime transport sector and inadequate resources to fund gender mainstreaming issues.

Policy Action

The government will:

1. Develop programs that target the inclusion of women, youth, persons with disability and the marginalized in the transport sector;
2. Secure affirmative action funding to address mainstreaming issues in the maritime transport;
3. Secure scholarships, internship, mentorship targeting for women, youth, persons with disability and the marginalized;
4. Promote manufacturing and importation of gender and disability sensitive equipment and machinery, and development of appropriate and all inclusive infrastructure;
5. Ensure that affirmative action is implemented by institutions by reserving opportunities and creating preference for women, persons with disability, youth and marginalized groups in training, employment and business.
6. Provide incentives on investments promoting gender, youth and disability mainstreaming

CHAPTER FIVE: POLICY IMPLEMENTATION

This Chapter provides the implementation framework, resource mobilization, partnerships and collaboration, monitoring and evaluation, reporting, as well as the review process.

5.1.2. Implementation Framework

Maritime Transport Policy is overseen by the Ministry responsible for Maritime Transport. Successful implementation of Maritime Transport Policy will require joint collaboration with other relevant Ministries, Departments and Agencies. The following oversight mechanisms will be established:

   a) Maritime Transport Policy Oversight Committee(Oversight Committee)
   b) Maritime Transport Policy Technical Committee (Technical Committee)

5.1.2. Maritime Transport Oversight Committee

The Maritime Transport Oversight Committee will give policy direction and overall guidance. Further, the Committee will ensure that the policy objectives are monitored and evaluated. The Committee will be drawn from leadership of Government Ministries, Departments and Agencies involved in maritime transport. The Oversight Committee will be chaired by the ministry responsible for maritime transport with a secretariat domiciled at the Kenya Maritime Authority. The functions will inter alia be:

   (i)   Consider policy innovations that will accelerate the pace of maritime development;
   (ii)   Advise the Government on strategic maritime transport models;
   (iii)   Direct research on thematic issues affecting maritime transport development and propose appropriate research-based interventions;
   (iv)   Provide routine advice and policy direction on the operation in the maritime transport sector;
   (v)   Receive, synthesize and evaluate reports and policy proposals from the Maritime Transport Technical Committee and make appropriate recommendations for Cabinet consideration.

5.1.2. Maritime Transport Technical Committee

The Maritime Transport Technical Committee members will include technical officers from relevant Government Ministries, Departments and Agencies in the maritime transport. The Technical Committee will support and report to the Oversight Committee in terms of making technical inputs on the Maritime Transport Sector as well as implementation of the Policy. The Committee will be appointed by the PS in charge of maritime transport. Kenya Maritime Authority will provide Secretariat services.

5.2 Resource Mobilization and Utilization

The Ministry responsible for Maritime Transport will be responsible for resource mobilization. This will be done through:

i) Budgetary allocation for the sector;

ii) Utilization of the oversight and monitoring fees; and

iii) Seeking partnership and collaboration from development partners.

The Government will mobilize non-financial resources through:

i) Purchase and acquisition;

ii) Donations and grants for securing equipment and machines;

iii) Capacity building and information exchange through knowledge management and

iv) Leasing and hiring.

5.3 Partnerships and Collaboration

The Ministry responsible for Maritime Transport will:

i) Set up a unit in charge of partnership, collaboration and resource mobilization;

ii) Observe standards set by the IMO on policy implementation and the Implementation of IMO Instruments (III) audit framework; and

iii) Establish a monitoring, evaluation and reporting framework on the implementation status of the policy.

5.4 Monitoring and Evaluation

A comprehensive monitoring and evaluation (M&E) system identifies areas for corrective action. In this Policy, M&E takes place at three levels consisting of the Oversight Committee, Technical Committee and the Stakeholders, each with clear definition of roles and expected outputs.

At the national level, the Maritime Transport Oversight Committee will develop a comprehensive logical framework to set the implementation process of this Policy. The logical framework will spell out the broad policy objectives, strategic interventions and expected outputs. In addition, performance indicators, means of verification and the time frame will be developed.

The Maritime Transport Technical Committee will implement the identified interventions and facilitate the development and institutionalization of an inbuilt mechanism within the systems of other relevant stakeholders. The Maritime Transport Technical Committee will undertake monitoring and evaluation to determine level of implementation and realization of expected outcomes. The evaluation will also assess the effectiveness of the policy actions and the challenges faced and develop the mitigation plan.

Joint monitoring and evaluation will be undertaken by the Maritime Transport Oversight Committee, the Maritime Transport Technical Committee and the stakeholders. Annual progress reports on implementation will be produced at this level and shared amongst the stakeholders.

Capacity building will be undertaken to equip the Technical Committee and Secretariat with the relevant knowledge and skills to collect and process timely and reliable data necessary for effective M&E exercise. The outcome of the M&E exercise will in turn be utilized within the maritime transport sector for the purpose of continuous performance improvement.

5.5 Reporting Framework

A clear reporting framework is a critical requirement for effective tracking of the progress made in the implementation of this policy. All agencies mandated to undertake various initiatives related to this policy are obligated to track and report progress to the Secretariat. The secretariat shall submit the report to the Technical committee who shall consider and forward to the Oversight committee.

The Technical Committee will be responsible for development of annual reports on the implementation of this policy. The committee will be expected to submit the reports to the Oversight Committee for deliberations and policy direction.

5.6 Review of Policy

The review of this policy shall be undertaken after every five years or as the need arises. This shall also be informed by the progress reports undertaken ascertaining the level of achievement, any emerging issues and challenges experienced during the implementation.

IMPLEMENTATION MATRIX/LOGFRAME

Policy goal: The policy seeks to create a framework for development of qualified and competent human resource capacity for national and international maritime industry				
Policy Objective	**Policy strategy**	**Key Output**	**Indicator**	**Means of verification**
1. To grow the maritime transport industry and the create a conducive trading environment in the maritime transport sector	Enhance business environment for maritime transport and logistics services to facilitate trade.	maritime transport and logistics services developed	No. of logistics services	Records at the SDSM
	Establish a framework to ensure stability and predictability of tariffs	Harmonization of tariffs	No. of tariffs	Records at the SDSM
2. To ensure that safety of life and property at sea in accordance with national and international requirements	Develop national legislations to domesticate relevant international instruments on maritime safety	National Maritime legislations	No. of National Maritime legislations developed	Records at the Parliament and OAG
	Enforce compliance with ship safety standards through Flag State implementation and Port State Control	Ship safety standards complied with	Level of compliance	Data at the Ministry in charge of Shipping and Maritime
	Enhance maritime search and rescue services through collaborative framework, adequate resourcing and adoption of appropriate technologies	Search and Rescue services infrastructure developed	No. of Search and Rescue Services	Records at the SDSM
3. To provide and enhance maritime security in accordance with the national and international standards	Develop and implement the National Maritime Security Strategy	National Maritime Security Strategy developed	National Maritime Security Strategy	Records at the Ministry in charge of Shipping and Maritime

		Establish multi-agency collaborative frameworks for integrated maritime surveillance, joint activities, symposium, monitoring and enforcement mechanism	Multi-agency collaborative frameworks developed	No. of multi-agency collaborative frameworks	Records at the Ministry in charge of Shipping and Maritime
		Enter into bilateral/multilateral cooperation agreements with other States, regional and international bodies	Bilateral/Multilateral cooperation agreements in place	No. of bilateral/multilateral cooperation agreements	Records at the Ministry in charge of Shipping and Maritime and OAG
4.	Ensure protection of the marine environment and building resilience to climate change for sustainable development	Develop national legislations to domesticate relevant international instruments on marine environment protection	National legislations on marine environment protection developed	No. of national legislations on marine environment protection	Records at the Parliament and OAG
		Develop and enforce regulations on marine environment protection	Regulations on marine environment protection developed	No. of regulations on marine environment protection	Records at the Ministry in charge of Shipping and Maritime and OAG
5.	Provide efficient communication systems and facilities in the maritime transport sector in accordance with the national and international requirements	Develop maritime communication and information systems and facilities	Maritime communication and information systems developed	No. of maritime communication and information systems	Records at the Ministry in charge of Shipping and Maritime
		Establish Very High Frequency (VHF) repeater network in coastal and inland waters	VHFs established	No. of VHFs	Records at the Ministry in charge of Shipping and Maritime

6. Ensure provision of quality maritime education and training of qualified and competent human resource for the growth and development of the maritime transport sector	Promote investment opportunities in the maritime education and training	Maritime Education and Training Institutions established	No. of Maritime Education and Training Institutions	Records at the Ministry in charge of Shipping and Maritime and MOE
7. Promote development and employment of competent human resources for the maritime transport sector	Initiate maritime labour-force-related reforms to support maritime workforce	Maritime labour-force-related reforms in place	No. of maritime labour-force-related reforms	Records at the Ministry in charge of Shipping and Maritime
	Develop collaboration mechanisms that link government, industry and training institutions	Jobs created in the maritime industry	No. of jobs created per year	Records at the Ministry in charge of Shipping and Maritime
8. Promote and support strategic approaches to research development, innovation, and knowledge management for the development of the maritime transport sector	Develop a national maritime research and implementation strategy	National maritime research and implementation strategy developed	National maritime research and implementation strategy	Records at the Ministry in charge of Shipping and Maritime
	Establish a national maritime transport research and innovation Centre	National maritime transport research and innovation Centre established	National maritime transport research and innovation Centre	Records at the Ministry in charge of Shipping and Maritime
	Establish a national maritime data bank	National maritime data bank established	National maritime data bank	Records at the Ministry in charge of Shipping and Maritime
9. Promote Public and Private investment in the maritime transport sector	Establish a maritime cluster development fund	Maritime cluster development fund established	Maritime cluster development fund	Records at the Ministry in charge of Shipping and Maritime
	Develop a framework for engagement and collaboration with financial institutions to	Collaboration frameworks developed	No. of Collaboration frameworks	Records at the Financing Institutions, Ministry of Trade

	finance investments in the maritime transport sector			and The National Treasury
	Establish Special Economic Zones (SEZ) for maritime investments	Special Economic Zones for maritime investments established	No. of Special Economic Zones	Records at The National Treasury
10. Provide maritime transport and allied services for the safe, secure and sustainable utilization of Kenya's maritime resources	Develop a National Maritime Spatial Plan	National Maritime Spatial Plan developed	National Maritime Spatial Plan	Records at the Ministry in charge of Shipping and Maritime
11. Ensure that the maritime transport sector contributes in addressing emerging national and international issues as well as participating in the promotion of cross-cutting issues for the sustainable and inclusive development of Kenya	Develop programs that target the inclusion of women, youth, persons with disability and the marginalized in the transport sector	Programs developed	No. of Programs	Records at the Ministry in charge of Gender, Youth and Social Services
	Provide incentives on investments promoting gender, youth and disability mainstreaming	Incentives provided	No. of incentives	Records at the Ministry in charge of Gender, Youth and Social Services